
HOUSE BILL No. 1653

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-44-1-5.

Synopsis: Sexual misconduct with an inmate. Makes it a Class C felony for a service provider to knowingly or intentionally engage in sexual intercourse or deviate sexual conduct with a person who is lawfully detained. (Under current law, the offense is a Class D felony.)

Effective: July 1, 2007.

Dembowski

January 23, 2007, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1653

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-44-1-5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) As used in this
3 section, "service provider" means a public servant or other person
4 employed by a governmental entity or another person who provides
5 goods or services to a person who is subject to lawful detention.
6 (b) A service provider who knowingly or intentionally engages in
7 sexual intercourse or deviate sexual conduct with a person who is
8 subject to lawful detention commits sexual misconduct, a ~~Class D~~
9 **Class C** felony.
10 (c) It is not a defense that an act described in subsection (b) was
11 consensual.
12 (d) This section does not apply to sexual intercourse or deviate
13 sexual conduct between spouses.

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